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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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: 09/808,898

Confirmation No. 4894

Applicant

Bruce Bryan et al.

Filed

03/15/2001

Title

RENILLA RENIFORMIS FLUORESCENT PROTEINS,

NUCEIC ACIDS ENCODING THE FLUORESCENT PROTEINS

AND THE USE THEREOF IN DIAGNOSTICS

1

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1653

Examiner

: Samuel W. Liu

Docket No.

LUME 48487

Customer No.

29694

RESUBMITTAL OF REFERENCES FOR INFORMATION DISCLOSURE STATEMENT

September 9, 2004

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR Sections 1.56, 1.97 and 1.98, Applicants herewith resubmit copies of the foreign and non-patent literature references cited on the attached Forms PTO/SB/08A and Forms PTO/SB/08B for consideration during prosecution of this application.

These references were previously submitted in an Information Disclosure Statement dated March 19, 2002. Due to the voluminous number of references cited, two (2) boxes of references are herewith resubmitted under separate cover as referenced in Applicants' response to Office Action dated September 9, 2004. Box 1 of 2 contains all foreign documents and non-patent literature references listed on pages 1-9 of 20 of previously submitted PTO/SB/08A and PTO/SB/08B. Box 2 of 2 contains all foreign documents and non-patent literature references listed on pages 10-20 of 20 of previously submitted PTO/SB/08A and PTO/SB/08B.

Appl. No. 09/808,898 Resubmittal Of References For Information Disclosure Statement Page 2

Applicants submit that these references were timely filed with the Information Disclosure Statement filed March 19, 2002 as evidenced by the copies of the enclosed return postcards date stamped by the Patent and Trademark Office on March 19, 2002. Applicants have resubmitted these references at the request of the Examiner and submit no additional fee is necessary for this resubmittal.

Respectfully submitted,

Lara A. Northrop

Registration No. 55,502

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DTO/SB/24 (02.04)

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	Examiner Name	Samuel W. Liu
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		or deposited with the United States Postal Service with Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature

Date 09/09/2004

FORM PTO-1449 (Modifie	ed))	ATTY. DOCKET NO. 24729-0128	\overline{C}	SERIAL NO. 09/808,898
LIST OF PATENTS AND PU APPLICANT'S INFORMATIC STATEMENT				
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1	F	5	1	6	2	2	2	7	11/10/92	Cormier	435	252.33	03/17/88
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1	DK	Tsuji et al., Site-specific mutagene		otoprotein aequorin, <u>Proc. Natl.</u>							
		Acad. Sci. USA 83:8107-8111 (19									
1	DĻ	Wampler et al. Similarities in the E		natulacea <u>Biochimicia et</u>							
		Biophysica Acta 314:104-109 (197									
1	DM	Ward et al., Energy Transfer Via F		Renilla Bioluminescence,							
		Photochemistry and Photobiology									
1	DN	Ward et al., Sequence and Chemi									
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1	DO	Ward et al., Extraction of Renilla-t									
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	APPLICANT BRYAN et al.	
	FILING DATE	GROUP

2) Art that concerns uses of GFP, or Luciferase.

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2	DP	4	8	6	1	7	0	9	8/29/89	Ulitzur et al.	435	6	5/31/85
2	DQ	5	1	9	6	3	1	8	3/23/93	Baldwin et al.	435	69.1	06/26/90
2	DR	5	2	2	1	6	2	3	6/22/93	Legocki et al.	435	252.3	7/19/89
2	DS	5	2	4	6	8	3	4	9/21/93	Tsuji et al.	435	7.91	2/19/92
2	DT	5	4	9	1	0	8	4	02/13/96	Chalfie et al.	435	189	09/10/93
2	DU	5	7	7	6	6	8	1	07/07/98	Virta et al.	435	6	09/15/95
2	DV	5	8	9	1	6	4	6	04/06/99	Barak et al.	435	7,2	06/05/97
2	DW	5	9	1	2	1_	3	7	06/15/99	Tsien et al.	435	15	07/16/96

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2	DX	0	2	4	5	0	9	3	11/11/87	EP A1				
2	DY	0	2	4	5	0	9	3	11/11/87	EP B1				
2	DZ	0	3	8	6	6	9	1	9/12/90	EP A3	C12Q 1	68		
2	EA	2	2	8	8	2	3	2	10/11/95	UK		<u> </u>		
2	EB	3	9	3	5	9	7	4	5/2/91	DE A1			X*	
2	EC	5	0	6	4	5	8	3	3/19/93	JP				X*
2	ED	9	6	0	7	1	0	0	03/07/96	PCT				
2	EE	9	7	1	1	0	9	4	03/27/97	PCT				
2	EF	9	7	2	8	2	6	1	08/07/97	PCT				
2	EG	9	7	4	1	2	2	8	11/06/97	PCT				
2	EH	9	8	0	2	5	7	1	01/22/98	PCT				
2	El	9	8	1	4	6	0	5	04/09/98	PCT				
2	EJ	9	8	2	6	2	7	7	6/18/98	PCT	G01N	21/76		
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2	EK	"Aq	uaLit	e®.	A cal	cium-	trigge	ered	photoprotein	," <u>SeaLite Scie</u>	nces Tech	nical Rep	ort No.	3
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2	EM	And of the	itil <i>et</i> he cte	<i>al.</i> , M enopt	lecha nore l	inism Vinen	of pl	notoir is, Bi	nactivation a ochem. J. 2	nd re-activation 2(1): 269-272 (1	on in the b 1984)	iolumines	,	-
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2	EO	Bal stud Che Aca	barrier, Expt. Cell Research 216(1): 236-243 (1995) Baldwin et al., "Applications of the cloned bacterial luciferase genes LUXA and LUXB to the study of transcriptional promoters and terminators," Bioluminescence and Chemiluminescence: Basic Chemistry and Analytical Applications, DeLuca and McElroy, Eds., Academic Press (1981)											
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		and Chemiluminescence, pp. 147-	-55, 180-85, Proc. of the IV In	t. Bioluminescence and
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2	EQ	Button et al., Aequorin-expressing	mammalian cell lines used to	report Ca ²⁺ mobilization, Cell
		Calcium 14(9):663-671 (1993)		,
2	ER.	Chalfie et al. Green Fluorescent P	rotein as a marker for Gene E	xpression Science 263: 802-
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		Characterization of a Calcium-Trig	gered Luciferin-Binding Prote	ein J. Biol. Chem. 254:769-780
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2	ET	Cody et al. Chemical Structure of	the Hexapeptide Chromophor	e of the Aequorea Green-
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- .		expression in Candida albicans M		
2	EV	Cormier et al., Evidence for simila		
-	_,	coelenterates, <u>J. Cell Physiol. 81</u> :		biolaminescene among the
2	EW	Cormier "Renilla and Aequorea bi		Richminescence and
_	LVV	Chemiluminescence. Basic Chem		
		Academic Press 1981.	iisu y and Ariaiyucai Applicauc	ons. Decuca et al eus,
2	EX	Dabiri et al. Myofibrillogenesis visu	ralized in living embryonic car	rdiomyocydos Pro Notl Acad
_	LX	Sci. USA 94:9493-9498 (1997)	danzed in living embryonic car	diomyocytes Fro. Nati. Acad.
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2	EZ	Fey et al. Green Fluorescent prote	on production in the cellular of	lima malde Dalvenhandvlium
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2	FA	Fratamico et al., Construction and	characterization of Eccharich	ia coli 0157:H7 strains
_	, ,	expressing firefly luciferase and gr		
		Food Protection 60(10):1167-1173	R (1007)	ileii use iii suivivai siuules, <i>J Oi</i>
2	FB	Giuliano et al. Fluorescent-protein	hiosensors: new tools for dru	a discovery TiPoch 16: 125
2	וט	140 (1998)	bioserisors. Hew tools for did	g discovery <u>Tibecti 16</u> . 135-
2	FC	Grentzmann et al., A dual-lucifera	se system for studying rocodir	ng signals PNA 470 496
4	10	(1998)	se system for studying recodil	ig signals, RNA 479-466
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	FD	nonradiating excited states from lu	ciforin analogues and alusida	yzed production of
		species involoved in energy transf	ior to Popillo groop fluorogen	t protein (4070) Discharding
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2	FE	Heim et al., Engineering green fluo	proposit protoin for increased	hainhtanna lannanumusta att
	, L	and fluorescence resonance energ	ry transfor Current Biology 60	ongniness, longer wavelengths
2	FF			
4	rr	Heinlein et al. Interaction of Toban	novirus Movement Proteins w	ith the Plant Cytoskeleton
2	FG	Science 270:1983-1985 (1995)	nuhatrata fan asisius is dusad	
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		Assignment of luciferin plutomers	in aequorin and mnemiopsin,	Biochemistry 14: 23/1-23/6,
2	F1.1	(1975).		
4	FH	Ikawa et al. A rapid and non -invas		
2		using green fluorescent protein (G		
2	FI	Inouye et al., Electroporation as a	new technique for producing	transgenic fish, <u>Cell Differ.</u>
		Devel. 29:123-128 (1990)		
2	FJ	Inouye et al., Monitoring gene exp	ression in Chinese hamster o	vary cells using secreted

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2	FM	Kain et al., Green Fluorescent Pro	otein as a reporter of Gene Ex	pression and Protein						
-		Localization BioTechniques 19:65		processor and recent						
2	FN	Karp et al., Bioluminescence and		Chemistry and Analytical						
_		Applications, DeLuca et al., eds.,								
2	FO	Kendall et al., Changes in free cal								
		using targeted aequorin, Anal. Bio								
2	FP ,	Knight et al., Imaging calcium dyn	amics in living plants using se	mi-synthetic recombinant						
		aequorins, J. Cell Biol. 121(1):83-9	90 (1993)							
2	FQ	Knight et al., Transgenic plant aed								
		elicitors on cytoplasmic calcium, N								
2	FR'	Leach et al., Commercially available firefly luciferase reagents, in Methods in Enzymology.								
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2	FS	Legocki et al., Bioluminescence in								
		approach to assay gene expression in vivo by using bacterial luciferase, Proc. Natl. Acad. Sci								
2		USA 81: 9080-9084 (1986)	1 A 1	Dist						
2	FT	McElroy, et al., The Chemistry and		escence, Bioluminescence and						
2	FU	<u>Chemiluminescence</u> , 179-185, Ac Miller et al. An improved GFP clor		konyatia transprintianal fusiana						
-	10	Gene 191:149-153 (1997)	ing cassette designed for pro	kai yotic transcriptional rusions						
2	FV	Mitra et al., Fluorescence resonan	ce energy tranfer between blu	re-emitting and red-shifted						
	• • •	excitation derivatives of the green								
2	FW	Miyawaki et al. Fluorescent indica								
_		calmodulin Nature 388:882-887 (1		proteine and						
2	FX	Morin, Energy in a Bioluminescent		313-318 (1971)						
2	FY	Nakajima-Shimada et al., Monitori								
		an apoaequorin cDNA expression	system, Proc. Natl. Acad. Sci	. USA 88(15): 6878-6882						
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2	FZ	Plautz et al., Green Fluorescent p	rotein and its derivatives as ve	ersatile markers for gene						
		expression in living Drosophila me	elanogaster, plant and mamali	an cells <u>Gene 173</u> :83-87						
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2	GA	Rivera et al., AquaLite® Streptavio		ys in microtiter plates and						
2	<u></u>	coated tubes, SeaLite Sciences To								
2	GB	Rizzuto et al., Rapid changes of r		specifically targeted						
2		recombinant aequorin, Nature 358		and in the floring						
4	GC	Romoser et al., Detection in living emission of an indicator composed	d of two group fluorescent are	iges in the muorescence						
		calmodulin-binding sequence, J. o								
2	GD	Rutter et al., Involvement of MAP	kinase in insulin signalling roy	ealed by non-invasive imagina						
~		of luciferase gene expression in si								
2	GE	Saran et al., Intracellular free calci								
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2	GF	Sedlak et al., Bioluminescent Tech	nnology for Reagents, Diagnos	stics and Toxicology." Genetic						

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		Engineering News, September 15								
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2	GH	Sheu et al., Measurement of intracellular calcium using bioluminescent aequorin exposed in								
		human cells, Analyt. Biochem. 20								
2	GI	Straight et al. GFP tagging of bud								
	<u> </u>	interations can mediate sister chro								
2	GJ	Stults et al. Use of Recombinant E								
	ŀ	Assays: Purification of Recombina	ant Apoaequorin from <i>Escheri</i>	chia coli <u>Biochemistry</u> 31:1433-						
		1442 (1992)								
2	GK	Terry et al. Molecular characterisa								
	ł	corrrelation microscopy Biochemic	<u>cal and Biophysical Research</u>	Communication 217:21-27						
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2	GL	Thompson et al., Vargula hilgende		orter enzyme for monitoring						
0	CN	gene expression in mammalian co		ling pictures of infections						
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	CN	Science News 150:220-221 (1996		evetem: Application to						
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3) Art that concerns items/procedures that use chemi- or bio-luminescence.

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3	GO	3	5	1	1_	6	_1_	2	05/12/70	Kennerly et al.	23	252	03/20/67
3	GP	3	5	6	5_	8_	1	5	2/23/71	Christy	252	301.3	12/28/67
	GQ	ო	6	6	တ	8	9	1	6/13/72	Greenwood et al.	252	90	5/27/70
3	GR	4	3	1	3	8	4	3	2/2/82	Bollyky et al.	252	188.3	9/9/76
	GS	4	4	7	8	8	1	7	10/23/84	Campbell et la.	424	7.1	11/14/78
3	GT	4	5	3	4	3	1	7	08/13/85	Walsh	119	51 R	08/30/84
3	GU	4	7	1	4	6	8	2	12/22/87	Schwartz	436	10	04/03/87
3	GV	4	7	6	7	2	0	6	8/30/88	Schwartz	356	73	12/24/84
3	GW	4	7	7	4	1	8	9	9/27/88	Schwartz	436	10	12/11/85
3	GX	4	7	7	7	1	2	8	10/11/88	Lippa	435	5	05/27/86
3	GY	4	8	5	3	3	2	7	8/1/89	Dattagupta	435	6	7/10/85
3	GZ	4	8	6	7	9	0	8	9/19/89	Recktenwald et al.	252	408.1	6/4/87
3	НА	4	9	5	0	5	8	8	8/21/90	Dattagupta	435	6	09/27/88
3	НВ	5	0	0	4	5	6	5	4/02/91	Schaap	252	700	07/27/88
3	HC	5	1	8	9	0	2	9	02/23/93	Boyer et al.	514	64	04/23/90
3	HD	5	2	7	9	9	4	3	1/18/94	Mathis et al.	435	7.32	01/19/93
3	HE	5	3	7	4	5	3	4	12/20/94	Zomer et al.	435	8	5/14/93
3	HF	5	4	2	2	0	7	5	06/06/95	Saito et al.	422	52	05/27/93
3	HG	5	4	2	4	2	1	6	6/13/95	Nagano et al.	436	116	8/16/93
3	HH	5	4	3	3	8	9	6	07/18/95	Kang et al.	252	700	05/20/94
3	HI	5	4	3	5	9	3	7	7/25/95	Bell et al.	252	301.18	02/12/93
3	HJ	5	4	3	9	7	9	7	08/08/95	Tsien et al.	435	7.21	08/30/93
3	HK	5	4	5	1	3	4	7	9/19/95	Akhavan-Tafti et al.	252	700	6/24/93
3	HL	5	4	8	4	7	2	_3	01/16/96	Zenno et al.	435	189	06/28/94
3	НМ	5	4	8	6	4	5	5	01/23/96	Stults	435	6	08/22/94
3	HN	5	7	1	9	0	4	4	02/17/98	Shoseyov et al.	435	69.7	02/17/98

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3	НО	0	0	2	5	3	5	0	09/05/80	EP A2				
3	HP	0	1	9	4	1	0	2	10/23/91	EP B1				
3	HQ	0	2	4	6	1	7	4	11/19/87	EP A1			X*	
3	HR	0	7	1	3	0	8	9	05/22/96	EP A2				·
3	HS	2	2	9	2	5	9	5	6/25/76	FR			X*	
3	HT	9	2	0	1	2	2	5	01/23/92	PCT				•

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3	HV	9	4	1	8	3	4	2	8/18/94	PCT						
3	HW	9	9	6	6	3	2	4	12/23/99	PCT						

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3	IC	Cardullo et al. Detection of nucleic acid hybridization by nonradiative fluorescence resonance energy transfer Pro.Natl. Acad. Sci. USA 85:8790-9794 (1988)
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3	IG	Frackman et al., "Cloning, Organization, and Expression of the Bioluminescence Genes of Xenorhabdus luminescens," J. Bacteriol., 172(10):5767-5773; (1990)
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3	11	Gautier et al., Alternate determination of ATP and NADH with a single bioluminescence-based fiber-optic sensor, Fifth International Conference on Solid State Sensors and Actuators and Eurosensors III, Montreux, Switzerland, 25-30 June 1989
3	IJ	Gilbert et al., Expression of genes involved in phycocyanin biosynthesis following recoivery of Synechococcus PCC 6301 from nitrogen starvation, and the effect of gabaculine on cpcBa transcript levels, FEMS Microbiol. Lett. 140: 93-98 (1996)
3	IK	Glazer, Phycobilisomes: structure and dynamics, Ann. Rev. Microbiol. 36: 173-98 (1982).
3	IL	Goldstein et al., Characterization of the Cellulose-Binding Domain of the Clostridium cellulovorans Cellulose-Binding Protein A, Journal of Bacteriology 175(18): 5762-5768 (1993).
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4) Art that concerns novelty items which use chemi- or bioluminescence.

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4	KF	3	6	6	1	7	9	0	5/9/72	Dean et al.		252	9 301 F		1/31/68
4	KG	4	5	6	3	7	2	6	1/7/86	Newcomb e	t	362			8/20/84
4	KH	4	7	1	7	1	5	8	1/5/88	Pennisi	·	273			6/26/86
4	KI	4	7	8	1	6	4	7	11/1/88	Doane, Jr.		446	21	9	5/4/87
4	KJ	4	9	2	4	3	5	8	5/8/90	Von Heck		362	3	2 !	9/12/88
4	KK	4	9	6	3	1	1	7	10/16/90	Gualdoni		446			10/30/89
4	KL	5	1	5	8	3	4	9	10/27/92	Holland et a	1.	362	3		07/03/91
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4	KP	5	3	8	3	1	0	0	01/17/95	Kikos		362	3	4	08/02/91
4	KQ	5	4	1	3	3	3	2	5/09/95	Montgomer	/	273	5	В	05/26/94
4	KR	5	4	1	5	1	5	1	5/16/95	Fusi et al.		124	5	6 9	9/20/93
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4	KU	5	8	7	6	9	9	5	3/2/99	Bryan		435	18	9	11/25/96
4	KV	6	1	1	3	8	8	6	09/05/00			424	4	9	11/22/99
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		Sheet 15 of 20
FORM PTO-1449 (Modified LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 24729-0128) SERIAL NO. 09/808,898
	APPLICANT BRYAN et al.	
	FILING DATE March 15, 2001	GROUP 1642

5) Art that concerns items/procedures that do not use chemi- or bioluminescence

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	KZ	3	6	4	9	0	2	9	03/14/72	Worrell	273	186	07/09/69
5	LA	3	7	2	7	2	3	6.	04/17/73	Lioyd et ai.	2	51	06/15/71
5 5 5	LB	3	3	8	4	4	9	8	5/21/68	Ahrabi	106	38.5	1/4/67
5	LC	3	8	7	3	4	8	5	3/25/75	Fichera	260	29.2	4/3/74
5	LD	4	0	2	1	3	6	4	5/03/77	Speiser	252	316	12/04/73
5	LE	4	0	4	4	1	2	6	08/23/77	Cook et al.	424	243	07/09/76
5	LF	4	1	7	5	1	8	3	11/20/79	Ayers	536	57	05/24/78
5	LG	4	1	7	7	0	3	8	12/04/79	Biebricher et	8	192	05/17/77
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5	LH	4	2	2	5	5	8	1	9/30/80	Kreuter et al.	424	88	8/07/78
5	Li	4	2	2	9	7	9	0	11/21/80	Gilliland et al.	364	200	10/16/78
5	LJ	4	2	6	9	8	2	1	5/26/81	Kreuter	424	19	05/02/80
5	LK	4	2	8	1	6	4	5	08/04/81	Jöbsis	128	633	06/28/77
5	LM	4	2	8	2	2	8	7	8/4/81	Giese	428	407	01/24/80
5	LN	4	3	2	4	6	8	3	4/13/82	Lim et al.	252	316	08/20/75
5	LO	4	3	6	4	9	2	3	12/21/82	Cook et al.	424	46	04/30/81
5	LP	4	4	1	4	2	0	9	11/08/83	Cook et al.	424	243	06/13/77
5	LQ	4	5	2	8	1	8	0	7/09/85	Schaeffer	424	52	03/01/83
5	LR	4	5	4	2	1	0	2	9/17/85	Dattagupta et al.	435	6	07/05/83
5	LS	4	5	6	2	1	5	7	12/31/85	Lowe et al.	435	291	05/25/84
5	LT	4	6	7	6	4	0	6	6/30/87	Frischmann et al.	222	136	9/29/86
5	LU	4	6	8	1	8	7	0	7/21/87	Balint et al.	502	403	01/11/85
5	LV	4	7	3	5	6	6	0	4/5/88	Cane	106	203	6/26/87
5	LW	4	7	4	5	0	5	1	05/17/88	Smith et al.	435	68	05/27/83
5	LX	4	7	6	2	8	8	1	8/09/88	Kauer	525	54.11	01/09/87
5	LY	4	7	6	5	5	1	0	8/23/88	Rende	222	79	4/7/87
5	LZ	. 4	7	8	9	6	3	3	12/06/88	Huang	435	240.2	04/19/84
5	MA	4	8	7	0	0	0	9	09/26/89	Evans et al.	435	70	12/15/83
5	MB	4	8	8	2	1	6	5	11/21/89	Hunt et al.	424	450	11/05/86
5	MC	4	8	9	1	0	4	3	1/02/90	Zeimer et al.	604	20	05/28/87
5	MD	4	9	0	8	4	0	5	3/13/90	Bayer et al.	525	61	01/02/86
5	ME	4	9	2	1	7	5	7	5/01/90	Wheatley et	428	402.2	09/03/87
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5	MF	4	9	2	7	9	2	3	05/22/90	Mathis et al.	540	456	09/20/85
5	MG	4	9	5	2	4	9	6	08/28/90	Studier et al.	435	91	12/29/86
5	MH	5	0	2	3	1	8	1	6/11/91	Inouye	435	189	7/13/88
5	MI	5	0	9	6	8	0	7	3/17/92	Leaback	435	6	3/17/92
5	MJ	5	1	2	8	2	5	6	07/07/92	Huse et al.	435	172.3	04/20/89
5	MK	5	1	6	2	5	0	8	11/10/92	Lehn et al.	401	04	06/26/91

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5	NR	9	3	1	3	3	9	5	07/08/93	PCT			
5	NS	9	4	2	5	8	5	5	11/10/94	PCT			
5	NT	9	6	0	7	9	1	7	03/14/96	PCT			

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		sodium channel from Electrophore	•	raised against a synthetic					
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		phase peptide synthesis, Israel J.	•	,					
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